

### **REMARKS**

In summary, the Examiner has accepted the drawings. The Applicants wish to thank the Examiner for accepting the drawings.

Claim 8 has been objected because the dependant claim referred to a previously introduced "remote unit" as "a remote unit" rather than the appropriate "the remote unit". The Applicants have amended claim 8 to correct the error. No new matter has been added through the amendment. No subject matter has been deleted that would require a reassessment of the inventorship. The amendment to claim 8 is for the purpose of correcting a typographical error and not for purposes relating to patentability. Accordingly, the Applicants believe the amendment overcomes the objection and respectfully requests that the Examiner withdraw his objection thereto.

Claims 1 – 28 are pending in the application. Claims 1 – 6 and 8 – 28 are rejected under 35 U.S.C. §103(a). Claim 7 is objected to by the Examiner as it contains allowable subject matter, but is written in a form dependent upon a rejected claim. Applicants respectfully traverse the rejections of claims 1 – 6 and 8 – 28.

#### **Claim Rejections - 35 U.S.C. §103(a)**

Claims 1 – 6 and 8 – 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over USP Number 6,967,937 B1 to Gormley ("Gormley") in view of USP Number 6,751,444 to Meiyappan ("Meiyappan").

#### **Common Assignment of Gormley**

In the Office Action mailed January 3, 2007, Gormley is used to support the rejection of claims 1 – 6 and 8 – 28 under 35 U.S.C 103(a). Applicants respectfully submit that Gormley is disqualified as prior art for a §103(a) rejection under §103(c). Applicants submit that this application and Gormley were both assigned or subject to assignment, at the time this invention was made, to AT&T Wireless Services, Inc and/or a successor in interest to such entity. Gormley is applied only under 35 U.S.C. §102(e). Therefore, Gormley cannot

be used in any rejection based on §103(a). In the absence of Gormley as prior art, the rejections of claims 1 – 6 and 8 – 28 under §103 must fail.

As such, Applicants believe that there is no need to substantively address the combination of Gormley and Meiyappan, nor do they admit that such combination is even proper. Applicants reserve the right to traverse the rejections on either or both of those grounds. Withdrawal of the rejections of claims 1 – 6 and 8 – 28 as being obvious in view of Gormley is respectfully requested.

Applicants submit that the statement above regarding the common assignment of Gormley and the present application is sufficient evidence to establish common ownership of, or obligation of assignment to, the same person or organization, as required by MPEP §706.02(1)(2)(II) and 1241 O.G. 96 (December 26, 2000).

**Allowable Subject Matter**

Claim 7 has been objected to as being dependant upon a rejected base claim, but is otherwise allowable if rewritten in independent form. Applicants wish to thank the Examiner for acknowledging that the subject matter of claim 7 is allowable. However, based upon the foregoing remarks, the Applicants believe this objection to be moot and respectfully request the Examiner withdraw his objection thereto.

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**PATENT**

### **CONCLUSION**

By the amendments and remarks provided herein, the Applicant respectfully submits that the Non-Final Office Action mailed January 3, 2007 has been traversed and that the application is in condition for allowance. If the Examiner has any concerns regarding the response provided herein, or wishes to discuss the response further, the Examiner is invited to contact the undersigned attorney.

Respectfully submitted,

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